

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TONY C. FLOWERS, SR.,

Defendant.

8:18CR245

ORDER

This case came before the court on a Petition for Action on Conditions of Pretrial Release [31]. On December 7, 2018, Pretrial Services Officer Todd Beacom submitted a Petition for Action on Conditions of Pretrial Release alleging the defendant had violated conditions of release as follows: Mr. Flowers left the Siena/Francis MIRACLES program on December 3, 2018 without approval from the court or the supervising officer. He failed to report his change of address and his whereabouts were unknown at the time. [Violation of Conditions #2; (k) and (q)]. A warrant for the defendant's arrest was issued.

The defendant appeared before the undersigned magistrate judge on January 10, 2019. Federal Public Defender David R. Stickman represented the defendant. Patrick C. McGee, Special Assistant United States Attorney, represented the government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, the defendant admitted the allegations. The court took judicial notice of the Pretrial Services Violation Report of Pretrial Services Officer Todd Beacom dated January 10, 2019. The Court finds the allegations set out in the petition are generally true and finds the defendant violated the conditions of release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release [22] should be revoked. I find the defendant is unlikely to abide by conditions of release. I find that there is no condition or combinations of conditions that would reasonably assure the defendant's presence for further proceedings, or the safety of the community if the defendant were to be released upon conditions.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release [31] is granted;
2. The October 24, 2018 Order Setting Conditions of Release [22] is hereby revoked; and
3. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the court of the United States or on the request of an attorney for the government, the person in charge of the correctional facility shall deliver the defendant to the United States Marshal for purpose of an appearance in connection with a court proceeding.

Dated this 10th day of January, 2019.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge